

1 **HAROLD M. JAFFE, ESQ.**

CASB #57397

2 3521 Grand Avenue

Oakland, CA 94610

3 Tel: (510) 452-2610

Fax: (510) 452-9125

4 Attorney for Defendants JOHN SRAMEK and BERNADETTE SRAMEK, individually and as  
5 Trustees of the John S. Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust and Harold  
6 M. Jaffe, In Pro Per

7  
8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 ALISE MALIKYAR,

CASE NO. C07-03533 WHA

11 Plaintiff,

**DEFENDANTS' UPDATED CASE  
MANAGEMENT CONFERENCE STATEMENT;  
AND REQUEST FOR FURTHER CONTINUANCE**

12 vs.

13 JOHN SRAMEK, BERNADETTE SRAMEK,  
14 HAROLD M. JAFFE, John S. Sramek, Jr. and  
15 Bernadette D. Sramek Revocable Living  
Trust, and DOES 1 - 100,

**DATE:** June 12, 2008  
**TIME:** 11:00 a.m.  
**CTRM:** 9

16 Defendants.

17  
18 Defendants, JOHN SRAMEK, BERNADETTE SRAMEK, HAROLD M. JAFFE, John S.  
19 Sramek, Jr. and Bernadette D. Sramek Revocable Living Trust, hereby submit their updated Case  
20 Management Conference Statement.

21 Since the last Case Management Conference Statement was filed, the following  
22 developments have occurred regarding the claim which is the subject of this case in Robert  
23 Jacobsen's bankruptcy.

24 On May 27, 2008, an auction was held by telephone in which Robert Jacobsen was the  
25 highest bidder for the claim which is the subject of this case. This auction was the subject of the  
26 hearing held on May 28, 2008, after which, to the best of the undersigned's knowledge, an order  
27 was to be prepared and submitted to the Court for signature. On June 5, 2008, an Order Granting  
28

1 Motion to Sell Property of the Estate Free and Clear of Liens, Claims and Encumbrances, was  
2 entered. A true and correct copy of said Order entered on June 5, 2008, is attached hereto as  
3 **Exhibit A.**

4 Pursuant to the Order (Exhibit A), should Mr. Jacobsen fail to deliver the \$6,000., in good  
5 funds to the Trustee by 5:00 p.m., C.D.T., ten days after entry of order, or by June 15, 2008, the  
6 Trustee is authorized to sell the Asset to Harold Jaffe for \$5,500.00 within five days thereafter.  
7 Further, to the best of the undersigned's knowledge, the Order (Ex. A) will not be final until the ten  
8 day period for filing an appeal provided for in Bankruptcy Rule 8002 has expired, or June 16, 2008.  
9 Therefore, the issue of standing will not be clarified until the payment has been made by Jacobsen  
10 and the ten day period for an appeal has expired.

11 The undersigned respectfully submits that this matter should be continued for one final time,  
12 for a period of two weeks, to June 26, 2008, or on any date thereafter convenient for the Court, with  
13 the exception of July 3, 2008.

14  
15  
16  
17 DATED: June 5, 2008

\_\_\_\_\_/S/  
HAROLD M. JAFFE, ESQ., Attorney for Defendants  
JOHN SRAMEK and BERNADETTE SRAMEK,  
individually and as Trustees of the John S. Sramek,  
Jr. and Bernadette D. Sramek Revocable Living Trust  
and Harold M. Jaffe, In Pro Per



ORDERED that the sale of the Asset shall be free and clear of liens, claims, and encumbrances except those claims determined to be non-dischargeable by this Court. It is further

ORDERED that the Trustee is hereby authorized to execute any and all documents necessary to effectuate the transaction. It is further

ORDERED that should Robert Edwin Jacobsen fail to deliver \$6,000.00 in good funds to the Trustee by 5:00 p.m. C.D.T. on the date that is ten (10) days after the entry of this Order, the Trustee is authorized to sell the Asset to Harold Jaffe for \$5,500.00 within five (5) days thereafter.

Signed on 6/4/2008

Brenda T. Rhoades SR  
HONORABLE BRENDA T. RHOADES,  
UNITED STATES BANKRUPTCY JUDGE